

Brent O. Hatch (5715)  
Mark F. James (5295)  
**HATCH, JAMES & DODGE**  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

Stuart H. Singer (admitted pro hac vice)  
**BOIES, SCHILLER & FLEXNER LLP**  
401 East Las Olas Boulevard – Suite 1200  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 356-0011  
Facsimile: (954) 356-0022

*Attorneys for The SCO Group, Inc.*

Robert Silver (admitted pro hac vice)  
Edward Normand (admitted pro hac vice)  
**BOIES, SCHILLER & FLEXNER LLP**  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

Stephen N. Zack (admitted pro hac vice)  
**BOIES, SCHILLER & FLEXNER LLP**  
Bank of America Tower – Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVERLENGTH  
MEMORANDA**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

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Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for an Order granting it leave to file its Memoranda listed hereto in Opposition to IBM’s Motion for Summary Judgments:

- 1. SCO’S MEMORANDUM IN OPPOSITION TO IBM’S “MOTION FOR SUMMARY JUDGMENT ON SCO’S INTERFERENCE CLAIMS (SCO’S SEVENTH, EIGHTH AND NINTH CAUSES OF ACTION)”**
  - a. Which consists of 29 pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits.
- 2. SCO’S MEMORANDUM IN OPPOSITION TO IBM’S “MOTION FOR SUMMARY JUDGMENT ON SCO’S COPYRIGHT CLAIM (SCO’S FIFTH CAUSE OF ACTION)”**
  - a. Which consists of 43 pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits.
- 3. SCO’S MEMORANDUM IN OPPOSITION TO IBM’S MOTION FOR SUMMARY JUDGMENT ON SCO’S CONTRACT CLAIMS**
  - a. Which consists of 176 pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits.
- 4. SCO’S MEMORANDUM IN OPPOSITION TO IBM’S MOTION FOR SUMMARY JUDGMENT ON ITS CLAIM FOR DECLARATORY JUDGMENT (IBM’S) TENTH COUNTERCLAIM**
  - a. Which consists of 53 pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits.

SCO’s Motion is made upon the grounds that the Memoranda of the indicated lengths are necessary given the complex nature of the issues raised by IBM’s Motion for Summary Judgment and the numerous legal arguments SCO addresses in its Memoranda.

SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully and fairly address the issues being placed before the Court.

SCO respectfully requests that it be allowed to file its Memoranda containing the afore mentioned numbers of pages, table of contents and authorities, appendixes and exhibits.

DATED this the 11<sup>th</sup> day of November, 2006.

HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark F. James

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver  
Stuart H. Singer  
Stephen N. Zack  
Edward Normand

By: /s/ Brent O. Hatch \_\_\_\_\_  
*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim Defendant, The SCO Group, Inc., hereby certifies that on the 11<sup>th</sup> day of November, 2006, a true and correct copy of the foregoing **EX PARTE MOTION FOR LEAVE TO FILE OVERLENGTH MEMORANDA** was electronically filed with the Clerk of the Court and delivered by CM/ECF system to the, to the following:

David Marriott, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019

Todd Shaughnessy, Esq.  
Snell & Wilmer LLP  
1200 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101-1004

Donald J. Rosenberg, Esq.  
1133 Westchester Avenue  
White Plains, New York 10604

/s/ Brent O. Hatch